

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELLIS E. JOHNSON,

Plaintiff,

v.

MARTIN KUERSTEN,

Defendant.

No. 2:21-cv-0828 KJM CSK P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 21, 2025, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff filed objections to the findings and recommendations. (ECF No. 69.) Defendant filed a response. (ECF No. 70.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by proper analysis. The transcript attached to plaintiff's objections, which the court construes as a proposal for a further

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1 amendment to the operative complaint, does not show plaintiff could state a viable claim, but
2 instead supports the Magistrate Judge's recommendation not to permit any further amendments.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations (ECF No. 68) are adopted in full;
- 5 2. Defendant's motion to dismiss the third amended complaint (ECF No. 64) is granted;
- 6 3. This action is dismissed without leave to amend; and
- 7 4. The Clerk of the Court is directed to close this case.

8 DATED: April 2, 2025.

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11 UNITED STATES DISTRICT JUDGE
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